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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIODORO MENDEZ-CEBALLOS,

Defendant.

No. CR 10-00690 EJD

STIPULATION AND ~~PROPOSED~~ *FEELGOOD*
ORDER CONTINUING HEARING TO
October 3, 2011 AND EXCLUDING TIME
FROM November 19, 2011 TO October 3,
2011 FROM THE SPEEDY TRIAL ACT
CALCULATION

The Parties, ELIODORO MENDEZ-CEBALLOS and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for September 19, 2011 be vacated, and that the hearing be re-set for October 3, 2011 at 1:30pm. The parties are requesting the continuance of the hearing due to the need for additional time to jointly negotiate a resolution in this matter.

The parties stipulate that the time between September 19, 2011 and October 3, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of

the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: September 9, 2011

MELINDA HAAG
United States Attorney

/s/
ANN MARIE E. URSINI
Special Assistant United States Attorney


/s/
VARELL L. FULLER
Attorney for Defendant

~~Filed~~
[PROPOSED] ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for September 19, 2011 is vacated, and the matter is continued to October 3, 2011 at 1:30pm. Further, the Court ORDERS that the time between October 14, 2010 and October 21, 2010 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: September 15, 2011



THE HONORABLE EDWARD J. DAVILA
United States District Judge